

**WILLIAMSBURG
BOARD OF ZONING APPEALS
MINUTES**

April 2, 2002

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, April 2 at 3:00 p.m. in Conference Room 3B, Third Floor, Williamsburg Municipal Building, 401 Lafayette Street.

ATTENDANCE

Present were Board members Carr, Kafes, and Knudson. Absent were Board members Chohany and White. Also present were Zoning Administrator Murphy and Secretary Scott.

CALL TO ORDER AND MINUTES

Chairman Kafes called the meeting to order and introduced the Board members.

Mrs. Knudson moved that the minutes of the March 5, 2002 meeting be approved as submitted. Mr. Carr seconded the motion which carried viva voce.

PUBLIC HEARINGS

BZA #07-02: Request of Richard & Karen Sager for a variance from Section 21-481 of the Zoning Ordinance to allow an addition to be located 16 feet from the rear property line instead of 20 feet as required by the approved final subdivision plat. The property is located at 517 Suri Drive, Williamsburg Tax Map Number 379-(01)-2B-024 and is zoned Planned Development District PDR. **The applicant has requested that this application be tabled until May 7, 2002 due to only three members being present at this meeting.**

BZA #08-02: Request of John & Elizabeth Hollis for a special exception from Section 21-605 of the Zoning Ordinance to allow the rental of two bedrooms in the single family detached dwelling to roomers. The property is located at 333 Burns Lane, Williamsburg Tax Map Number 524-(08)-00-006 and is zoned Single Family Dwelling District RS-1. Denied.

Chairman Kafes introduced the case and reviewed the applicable portion of Section 21-605 of the Zoning Ordinance. He noted that although there are no bed and breakfast establishments permitted on Burns Lane, the Ordinance does state that one *roomer* is permitted by right, and more than one *roomer* is permitted by special exception.

Mr. Kafes invited the applicant/applicant's representative to comment.

John Hollis, owner/applicant, said he is planning to return to school and he and his wife would like to have two College of William and Mary students room at their home to help finance his further education. The Hollis' have three children of their own, two of whom are to begin college soon. They have three bedrooms in the basement and propose to rent two bedrooms to college students with the third bedroom being used by the applicants. He noted only one student is proposed in each of the bedrooms and that the two students would share the bathroom. Although there will be a microwave, there will be no meal preparation since the students can use the college meal program.

The Board asked the following questions:

- Are there any provisions for visiting friends? Mr. Hollis noted the rules of the house include no long-term guests (no overnight guests), no smoking, and nothing illegal is to be brought into the home.
- Would this be a long-term or short-term arrangement? Mr. Hollis noted the duration of having the two roomers would be for the two-year period of Mr. Hollis' educational program, and then they would like to rent to only one roomer which is permitted by right.

Chairman Kafes opened the public hearing.

John Austin, 700 Goodwin Road, stated that he and his wife have lived here 42 years and although they feel the Hollises are very conscientious, if approval of this request is granted, they wonder about the precedent that may be set and if Pandora's Box would thereby be opened. He said their (the Austin's) kitchen overlooks cars zooming along Burns Lane and they hate to see that traffic increased. Mr. Austin said that if it was only the Hollis' requesting there would be no problem, but who knows who'll be next. He asked if it might be possible to impose a time limit on the rooming arrangement.

Ann Orteig, 327 Burns Lane, stated that she opposes the granting of the request. She expressed concern with increased traffic on a dead end street and having strangers in the neighborhood.

Sally Ketchum, 207 Burns Lane, asked if approval of this request would mean she also could rent two rooms. Mr. Kafes clarified that this application is only for the Hollises, but someone else could also make application to rent two rooms to roomers.

Chris Fisher, 308 Burns Lane, asked what would happen to the roomer approval if the Hollises were to sell the house --- would the approval transfer? Zoning Administrator Murphy answered that unless the Board of Zoning Appeals puts conditions on the approval, it would transfer with the sale of the house. Ms. Fisher expressed her concern with the approval being transferred with the property.

Robert Jeffrey, 312 Burns Lane, said that he is opposed to changing the neighborhood and this is a first step in the change. He added that he would regret seeing Burns Lane turned into a dormitory extension of the College.

Barbara Cummings, 332 Burns Lane, who lives across the street from the Hollises, expressed concern with traffic, and the effect on the neighborhood.

Applicant John Hollis said that he was sorry he didn't talk personally to all of his neighbors. He said he appreciated their comments and would request that one of the conditions of the approval would be that it **not** be extended to succeeding owners.

There being no additional comment the public hearing was closed.

Mr. Kafes restated the three issues raised:

1. Traffic increase
2. Setting precedence
3. Changing nature of neighborhood

Mr. Carr said that the applicant has a self-manufactured situation -- preparing for a new career. He added that the decision to return to school was one Mr. Hollis made and it pertains to him and his family and the lifestyle they choose. It is not germane to this Board. Mr. Carr stated that he sees no hardship and would vote to deny the request.

Mrs. Knudson agreed with Mr. Carr's comment that in a lot of ways this is not in this Board purview. She added that everyone could rent one room by right.

Mr. Kafes suggested that adding conditions to the approval of the special exception might make it more acceptable:

- One person per room
- The owner maintaining four parking spaces – two for the roomers
- Existing landscaping to remain
- Special exception for two-year time period
- Approval is non-transferable
- No overnight guests – not even a relative

Mr. Kafes added that the Board is limited to the guidelines contained in the Ordinance, but he said, it would be arbitrary to deny the request. As far as a precedent being set, all *could* apply and all *could* be granted. The traffic increase concern is not really viable since the two roomers would only replace the two Hollis children going off to college.

Mr. Carr stated that the applicant has not proven there is any hardship present.

Mr. Carr moved to deny the request for a special exception based on Section 21-97(2)a. of the Zoning Ordinance which states: "That the strict application of this chapter would produce undue hardship," and the fact that none was demonstrated. Mrs. Knudson seconded the motion, which carried by vote of 2-1. Recorded vote on the motion:

Aye: Carr, Knudson
No: Kafes
Absent: Chohany, White

It was noted that due to a lack of majority of the Board members voting for the request the request was not approved. The Board noted that at least three members were required to vote in favor of a request for it to be approved.

Mr. Hollis said that although he could appeal the Board's decision to the Circuit Court, he would not pursue the request any further. He again thanked his neighbors for coming to the meeting and expressing their concerns.

OLD BUSINESS – None

NEW BUSINESS

The Board raised the following topics for future discussion:

- Priority of Board approvals
- Requirements of the "Sunshine Law"
- Limitations on the length of time for public comment
- Comment/Rules of procedure
- Precedent issues
- Agenda format

There being no further business before the Board the meeting adjourned at 3:45 p.m.

Respectfully submitted,

Judy Knudson, Secretary